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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,859	04/26/2005	Simon Spoors	0211-260	2197

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,859	<b>Applicant(s)</b> SPOORS, SIMON	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/20/2006, with respect to the rejection(s) as being unpatentable over Krampf and Michel have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made (see below).

Due to Applicant's amendments, all previous 35 USC 112 2<sup>nd</sup> paragraph rejections as well as objections to the specification are hereby withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5,15-27,30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5,15,30 recite "substantially all of the exposed surfaces are inclined in use". Many of the exposed surfaces do not appear to be inclined in use. At least elements 12a,12c,22 appear to be substantially vertical in use.

### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,3,15,16,17,22,25,26,28,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith USP 1,508,898.

Smith discloses a conveyor comprising:

- A belt platform (A)
- A platform support arrangement (D)
- Substantially the whole of said belt platform and said support arrangement is a unitary component from a single sheet of metal (C1/L36-42)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (C1/L36-42)
- Wherein the belt platform and the platform support arrangement are separate sheet metal components (fig.1)
- Integral leg structure defining two pairs of support legs disposed adjacent opposite ends of the platform respectively (fig.1,2)
- Wherein each leg structure includes first and second ground engaging parts (G) disposed respectively generally beneath said first and second side rails in use

6. Claims 1,2,3,4,15,16,17,18,28,29 are rejected under 35 U.S.C. 102(b) as being anticipated by Rinio USP 3,458,235.

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Rinio discloses a conveyor comprising:

- A belt platform (15)
- A platform support arrangement (2)
- Substantially the whole of said belt platform and said support arrangement is a unitary component from a single sheet of metal (C3/L1-8) (fig.4,5)
- Said conveyor is configured to be constructed substantially without use of welding or threaded fasteners (fig.5)
- Wherein the belt platform and the platform support arrangement are separate sheet metal components (fig.5)
- Retaining means for coupling said belt platform on said platform support arrangement (C5/L65)
- Wherein the platform includes spaced parallel elongated channel-shaped side beams arranged with their open faces mutually presented (fig.5)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 19 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rinio USP 3,458,235.

Rinio discloses all the limitations of the claim, but does not expressly disclose a belt roller assembly supported at each end of the platform, wherein said roller assemblies are slidably received within the channel section of the side beams (C6/L15-20), however, because chains and belts in a conveyor are obvious variants of one another as well as belt rollers and chain sprockets, at the time of invention, it would have been obvious to one having ordinary skill in the art to have employed a belt roller assembly supported at each end of the platform, wherein said roller assemblies are slidably received within the channel section of the side beams.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as obvious over Rinio USP 3,458,235 in view of Mitchell USP 6,170,645.

Rinio discloses all the limitations of the claim, but does not expressly disclose at least one of said roller assemblies including extensible means.

Mitchell teaches at least one of said roller assemblies including extensible means for the purpose of allowing longitudinal adjustment of the tail pulley assembly so that the tension of the belt can be adjusted (C8/L1-3).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one of said roller assemblies with extensible means, as taught by Mitchell, in the device of Rinio, for the purpose of allowing longitudinal adjustment of the tail pulley assembly so that the tension of the belt can be adjusted.

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10. Claim 21 is rejected under 35 U.S.C. 103(a) as obvious over Rinio USP 3,458,235 in view of Hosch USP 6,109,427.

Rinio discloses all the limitations of the claim, but does not expressly disclose detachable cover members fitted over the ends of the side beams and associated parts of the roller assemblies.

Hosch teaches the use of detachable cover members fitted over the ends of the side beams and associated parts of the roller assemblies (fig.1,2) for the purpose of preventing injury due to moving parts.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ detachable cover members fitted over the ends of the side beams and associated parts of the roller assemblies, as taught by Hosch, in the device of Rinio, for the purpose of preventing injury due to moving parts.

11. Claims 6,24,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinio USP 3,458,235 (in view of Weeks USP 4,475,648, see ¶12) in view of Kasai USP 4,704,772.

Rinio discloses all the limitations of the claim, but does not expressly disclose the use of moulded synthetic resin.

Kasai teaches the use of moulded synthetic resin for the purpose of using a material that is rigid (C2/L28,29).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the use of moulded synthetic resin, as taught by Kasai, in the device of Rinio, for the purpose of using a material that is rigid.

12. Claims 22,23,25,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinio USP 3,458,235 in view of Weeks USP 4,475,648.

Michel discloses all the limitations of the claim, but does not expressly disclose the belt platform supported by integral leg structures defining two pairs of support legs disposed adjacent opposite ends of the platform respectively, or including first and second component integrals fixed in use each to a side beam by way of a retainer, or the ground engaging feet.

Weeks teaches the belt platform supported by integral leg structures defining two pairs of support legs (16) disposed adjacent opposite ends of the platform respectively, and including first and second component integrals (34) fixed in use each to a side beam by way of a retainer (40) and ground engaging feet (20) (fig.4,5,28) for the purpose of providing a strong, elevated support structure.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ the belt platform supported by integral leg structures with two pairs of support legs disposed adjacent opposite ends of the platform respectively, and including first and second component integrals fixed in use each to a side beam by way of a retainer, and ground engaging feet, as taught by Weeks, in the device of Rinio, for the purpose of providing a strong, elevated support structure.



**Conclusion**

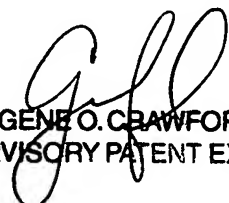
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
9/8/2008

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER